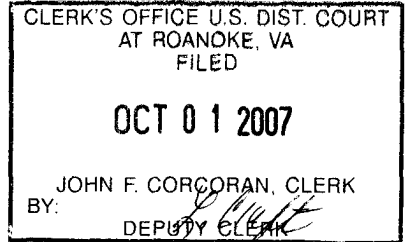


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



VIRGIL CLAYTON DUNKLEY, III,)
Plaintiff,)

Civil Action No. 7:07cv00465

v.)

FINAL ORDER

LT. D. TATE, et al.,)
Defendant.)

By: Samuel G. Wilson
United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED AND ORDERED

that this action shall be and hereby is **DISMISSED** without prejudice pursuant to 28 U.S.C. § 1915A(b)(1), his motion to proceed in forma pauperis is hereby **DENIED** as **MOOT**, and this case shall be **STRICKEN** from the active docket of the court.

The Clerk of the Court is directed to send a certified copy of this Order and accompanying Memorandum Opinion to the plaintiff.

ENTER: This 30th day of September, 2007.

[Signature]

United States District Judge